UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/CN.4/AC.46/1998/3/Add.4
22 January 1998

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Intergovernmental working group of experts
on human rights of migrants
Second session
Geneva, 16 - 20 February 1998

INFORMATION AND COMMENTS RECEIVED FROM GOVERNMENTS, UNITED NATIONS BODIES, SPECIALIZED AGENCIES, INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS

Report of the Secretary-General

ANNEX

Submission from the Legal Information Centre of Human Rights
in Estonia

GE.98-10244

January 20, 1998

In reply to your letter, 27 November 1997: Questionnaire on human rioghts

We would like to inform you the following:

1. The latest[1] figures are following

- Total population of Estonia in the beginning of 1997 was 1 462 130 people,
- From 1990-1997 the number of total population dropped by over 100 thousand permanent residents, more than 80 thousand of them abandoned the country and 99% of last were representatives of national (ethnic) minorities in Estonia, 60-70% emigrants were in employable age,
- 1 001 158 Estonian citizens including 86 000 non-Estonians issued Estonian citizenship by naturalization and about 80 000 non-Estonians issued Estonian citizenship by born,
- 300 000 stateless persons preferably Russians by origin,
- Ca 125 000 inhabitants are citizens of Russia, 95 000 of them have legalized their residence in Estonia,
- 136 194 aliens by Estonian Law of Aliens (residents of Estonia) have authorizations to work (most part of them are stateless persons). Besides them nationals abroad by their country of residence having authorizations to work in Estonia: 32 338 Russian citizens, 1 336 citizens from Finland, 883 from Ukraine and other from Byelorussia, Lithuania, Latvia, USA, Germany and China,
- 65% of the population choose to consider themselves as Estonians by origin, 28% - as Russians, 2.6% - as Ukrainians, 1,5% - as Byelorussians, about 1% - Finns, individuals referring themselves to other nationalities account for 2% of total,
- Ca 100 thousands people resides in Estonia illegally according to the Aliens' Law, more than 80% of them have had permanent registration until July 1, 1990, 40% of the total number of "illegals" have been born in Estonia, 50% being under 35 of age.

Söle str. 61A
EE0003 Tallinn
Estonia

Registering number
80005922

Tel (372 2) 49 66 49
Fax (372) 655 26 47
E-mail: Centre@lichr.ee

[1] On the middle of October, 1997

2. There is no any special regulation in Estonian laws being taken to strengthen the promotion, protection and implementation of the rights of migrants. But Estonian Laws "On Citizenship" and "On Aliens" consider 1/3 of the permanent population settled in Estonia in the period 1940-1991 as illegal migrants and aliens, including those who have been born in this time. More of them are representatives of the national (ethnic) minorities . There are differences in rights of citizens and aliens (non-citizens) in Estonian Laws (see enclosure).

In addition there is some chronicle.

* * *

On the 21st of November 1996 the Parliament of the Estonian Republic ratified the Framework Convention on Protection of the National Minorities. The Estonian Law on Ratification of the Convention determines as the national minority only citizens of Estonia. The latter should have close long-standing relations (connections) with Estonia and express desire of keeping the own national and cultural peculiarities on a joint ground.

In February 1997 Riigikogu (the Estonian Parliament) ratified the UN Convention Relating to the Status of Refugees (1951) and its Protocol (January 31, 1967). Simultaneously, the lawmakers passed the Law on Refugees. Both legal acts came into force in July 1997. The legal mechanism of implementation of the Law on Refugees does not exist in the Estonian Republic up to now. According to accessible facts, from the end of the last year only three persons applied for asylum to authorities of Estonia with the requests of obtaining refugee status: a citizen of Armenia and two residents of the USA, one of them is a Russian citizen.

According to the 15 May, 1997 Resolution of the Government, the internal passports of the former USSR terminated on the territory of Estonia. By the mentioned time the alien's passports were issued only for 80 000 inhabitants. At the moment the number of issued alien's passports is about 160 000.

On the 21st of July 1997 the Director General of DMC[2] issued the Order № 73 on Registration of the Persons Illegally being on the Territory of the Estonian Republic[3] Together with the existing Order № 140 (issued 22.11.1996), it regulates rules and procedures of exile of such persons from the country.

On the basis of the recommendations of a special governmental commission, (July 22, 1997) the Government of the Estonian Republic rejected granting residence permits to eight former military men who served in the armed forces of the foreign states (former USSR and Russia). The spouses of these former military men are citizens of Estonia or its permanent residents. After intervention of the mass media and appeal to the court, seven ex-military men were granted residence permits, with the exception of one officer.

---

[2] Estonian Department of Citizenship and Migration

[3] On November 1997 named Order has been declared as contradictory the Estonian legislation.

Adopted on the 10th of September 1997 the Law on Amendments to Article 52 of Law on Basic and High Schools appointed the time of a beginning of passage to teaching in the Estonian language in state and municipal high schools not later than 2007/2008 educational years. The given law laid the background in the future not to provide allocations from the state budget for development of Russian language education.

On the 24th of September of 1997, Riigikogu accepted the Law on Amendments to the Alien's Law. According to the amendments, the legal guarantees are provided only for the foreigners, who applied for residence permits before July 12, 1995 and who received it by usual way, not on the basis of the exclusive order. Thus, the legal guarantees and also right to permanent residence permit (hence, and the rights to citizenship) have lost the next permanent residents of Estonia:

- former military men and members of their families[4];
- officers of KGB and intelligence services and simple employees of KGB and related structures (e.g. the cleaners);
- ex-prisoners;
- the persons who submitted false data during for obtaining visa, residence and work permit.

In addition to the above-mentioned guaranties there are only two rights that the new edition of the Alien's Law gives to the foreigners - the right to obtain permanent residence permit since July 12, 1998 and the right to vote in election of representatives to the local self-governing bodies[5].

On the 19th of November 1997 the Parliament of the Estonian Republic adopted the amendments to the Law on Language, which have established restrictions in the right to vote in the Estonian Republic. The inserted changes in the Law on Language establish the requirements to knowledge of the state language and the list of the persons and legal entities, which should answer these requirements. Among them are members of the Parliament and local governments, workers and employees of commercial, non-profit associations and NGOs. They establish also a special governmental institution, which deals with the control and estimation of the level of the language skills. The President of Estonia did not promulgate these amendments and sent them back for the consideration in the Parliament.

Under threat of governmental crisis which has arisen as a result of suspension of the second reading of the bill on budget, 10. December 1997, the Parliament of the Estonian Republic adopted the Law on State Budget. By origin the bill did not allocate funds from the budget for development of processes of integration in the country. Behaviour and tactics of group of the Russian deputies in the Parliament have enforced both the Opposition and the Coalition to pay attention to the problems and needs of non - indigenous population of Estonia. The Parliament was compelled to supplement the bill on budget with a total sum of 17 million kroons. It means providing funds for teaching

---

[4] Since the legislation did not determine up to now the legal conception of "member of the family of former military men", the officials of the DMC recognise as member of family the spouses (incl. widows and divorced), children regardless of age, dependants.
The same amendments have twice reduced the limit number of residence permits that can be annually granted to individuals. They also provide the annulment of residence permit in case a foreigner spent more than 183 days a year outside the country.

[5] The earlier edition of the Alien's Law has granted those rights yet.

the adults Estonian language, including teachers of Russian schools. It provides also the creation of the Fund of Integration, supporting national and cultural societies and financing retailing of boiler-house in Paldiski town, majority of which are russian-speaking. There is an agreement with the Government of the Estonian Republic to allocate funds from the PHARE Foundation on school textbooks for Russian schools.

Beginning from autumn of this year there are law suits in the administrative court against two deputies of the local governments on accusation for inappropriate knowledge of the state language. The Department of State Language initiated the first suit, the second one was initiated by private person who had a relation with the deputy on the private ground.

* * *

3. (See – Enclosure) - Kept by Secretariat and available upon request.

4. We do not dispose of necessary information. As far as we know, Estonia did not ratify listed international conventions.

We offer an apology for the delay in reply.

Yours sincerely,

L. Semjonova

Larissa Semjonova
Deputy director